

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

v.

19-CR-227-LJV

JOSEPH BONGIOVANNI,
PETER GERACE, JR.,

Defendants.

UNITED STATES OF AMERICA,

v.

23-CR-37-LJV-MJR

PETER GERACE, JR.,

Defendant

SPEEDY TRIAL ORDER

(December 14, 2023, through January 26, 2024)

On December 14, 2023, the parties appeared before the Court for a status conference on the Government's Revised and Superseding Motion to Disqualify. Assistant United States Attorneys Joseph M. Tripi, Nicholas T. Cooper, and Casey L. Chalbeck, appeared on behalf of the government; defendant Bongiovanni appeared personally and by attorneys Robert C. Singer and Parker MacKay; defendant Gerace appeared through attorneys Mark Foti and Eric Soehnlein.

At that time, the Government withdrew its initial motion to disqualify counsel for defendant Gerace and filed a new motion under seal with access provided only to counsel for

defendant Gerace and counsel for Attorney Soehnlein. The Court received Attorney Singer's letter requesting access and the government's reply. At this time, no access will be given to counsel for defendant Bongiovanni.

On the basis of the representations of the parties, due to the substantial trial preparation that is underway and to accommodate the schedule for defense counsel for defendant Gerace, the Court scheduled defendant Gerace's response to the government revised and superseded motion to disqualify due January 12, 2024. The government's reply is due January 19, 2024. Oral argument is set for January 26, 2024. Jury selection scheduled for January 8, 2024 is canceled pending resolution of this motion. Over objection of counsel for the defendants, the Court further excluded the time in this action from and including December 14, 2023, to and including January 26, 2024, as being in the interest of justice and not contrary to the interests of the public and the defendant in a speedy trial pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

Specifically, and for the reasons set forth above, the Court determines that the public's interest in conserving resources by maintaining continuity of counsel and effective assistance of trial outweighs the public's interest in a speedy trial. Furthermore, the defendants' interest in securing the effective assistance of counsel/continuity of counsel outweighs the interest of the defendant in a speedy trial.

NOW, it is hereby

ORDERED, for the reasons set forth above, that the scheduled trial is hereby adjourned until January 26, 2024, and it is further

ORDERED that the time in this action from and including December 14, 2023, to and including January 26, 2024, is properly excluded from the time within which trial must commence, in accordance with the Speedy Trial Act, pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

The Court further finds that, as of December 14, 2023, zero days of Speedy Trial Act time will have elapsed in this action and 70 post-indictment days remain in the period within which trial must commence.

DATED: Buffalo, New York, January 9, 2023.


HONORABLE LAWRENCE J. VILARDO
United States District Judge